

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

UNITED STATES OF AMERICA

V.

CAUSE NO.: 1:09CR57-SA-JAD-002

TIMMY RHODES

DEFENDANT

ORDER ON MOTION

Defendant Timmy Rhodes was found guilty by a jury after a three day trial held in October of 2009. On June 17, 2010, Defendant filed a Motion for Judgment of Acquittal, or alternatively, for a New Trial.

Federal Rules of Criminal Procedure 29 and 33, which govern motions for judgments of acquittal and new trials respectively, require those requests for relief to be filed within 14 days after a guilty verdict. Defendant Timmy Rhodes was found guilty on October 9, 2009. Thus, the instant motion is untimely under Federal Rules of Criminal Procedure 29 and 33 and could be denied on this basis alone.

The motions are also without merit. For three days, a jury heard testimony regarding Timmy Rhodes involvement with and participation in a methamphetamine conspiracy. A reasonable jury could, and did, consider the evidence and find Timmy Rhodes guilty of that crime. There was a sufficient basis to sustain that conviction. Moreover, a new trial is not warranted as the guilty verdict was based on substantial evidence.

Accordingly, the Defendant's Motion for Judgment of Acquittal, or alternatively, for a New Trial is DENIED.

SO ORDERED, this the 2nd day of July, 2010.

/s/ Sharion Aycock
U.S. DISTRICT JUDGE